

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

HECTOR MORALES,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 1:20-cv-11434-NMG
)	
FEDERAL EXPRESS CORPORATION,)	
)	
Defendant.)	

DEFENDANT’S MOTION FOR SUMMARY JUDGMENT

Defendant Federal Express Corporation (“FedEx”), pursuant to Rule 56 of the Federal Rules of Civil Procedure and the Local Rules for the U.S. District Court for the District of Massachusetts, files its Motion for Summary Judgment (“Motion”) as follows:

Plaintiff Hector Morales (“Morales”), a former FedEx courier, alleges he was subjected to discrimination based on his race (Hispanic) and retaliation for complaining to management about disparate treatment in violation of 42 U.S.C. § 1981 and M.G.L. c. 151, which led to the termination of his employment.

FedEx denies Morales’ claims. The undisputed facts show FedEx had a legitimate, non-discriminatory, non-retaliatory reason for terminating Morales’ employment. Morales had a history of disruptive behavior that caused him to be disciplined and eventually terminated from his employment with FedEx. Neither Morales’ race nor any alleged complaints he made to management were factors in the decision to terminate his employment.

Additionally, Morales's § 1981 claim is time barred because he contractually agreed to bring any legal action against FedEx within 6 months from the date of the event forming the basis of the claim.

There is no genuine dispute as to any material facts and FedEx is entitled to judgment as a matter of law. For the reasons set forth herein and in its contemporaneously filed Supporting Memorandum, FedEx's Motion should be **GRANTED**, all Morales's claims should be dismissed with prejudice, and FedEx should be granted such other relief as it may show itself entitled.

DATED: March 31, 2022

Respectfully submitted,

/s/ Charles V. Holmes

Charles V. Holmes (*Admitted Pro Hac Vice*)

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COUNSEL FOR DEFENDANT

CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1(A)(2)

I hereby certify that, prior to making this motion, I conferred with counsel for Plaintiff by telephone on January 26, 2022, for the purposes of attempting to obtain his consent to this motion and/or to narrow the issues herein. Those efforts were unsuccessful.

/s/Charles V. Holmes
Counsel for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on March 31, 2022, a copy of the foregoing was served via the Court's electronic system and via first-class mail upon:

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/s/Charles V. Holmes
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